

AMENDED IN ASSEMBLY JUNE 18, 2012

AMENDED IN SENATE APRIL 26, 2012

AMENDED IN SENATE APRIL 17, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1522

Introduced by Senator Leno

February 24, 2012

An act to amend Section 4427.5 of the Welfare and Institutions Code, relating to developmental services, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1522, as amended, Leno. Developmental centers: reporting requirements.

Existing law vests in the State Department of Developmental Services jurisdiction over state hospitals referred to as developmental centers for the provision of residential care to persons with developmental disabilities. Existing law requires a developmental center to immediately report all resident deaths and serious injuries of unknown origin to the appropriate local law enforcement agency. Existing law establishes the Office of Protective Services within the State Department of Developmental Services.

This bill would instead require a developmental center to immediately report a death, a sexual assault, an assault with a deadly weapon ~~or by a nonresident of the developmental center, an assault with force likely to produce great bodily injury, or an injury to the genitals when the cause of injury is undetermined, or a broken bone when the cause of the break is undetermined,~~ to the local law enforcement agency having

jurisdiction over the city or county in which the developmental center is located, regardless of whether the Office of Protective Services has investigated the facts and circumstances relating to the incident. The bill would require the developmental center to submit a written report of the incident to the local law enforcement agency within 2 working days of any telephone report to that agency.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4427.5 of the Welfare and Institutions
2 Code is amended to read:
3 4427.5. (a) (1) A developmental center shall immediately
4 report the following incidents involving a resident to the local law
5 enforcement agency having jurisdiction over the city or county in
6 which the developmental center is located, regardless of whether
7 the Office of Protective Services has investigated the facts and
8 circumstances relating to the incident:
9 (A) A death.
10 (B) A sexual assault, as defined in Section 15610.63.
11 (C) An assault with a deadly weapon ~~or~~, as described in Section
12 245 of the Penal Code, by a nonresident of the developmental
13 center.
14 (D) An assault with force likely to produce great bodily injury,
15 as ~~defined~~ described in Section 245 of the Penal Code.
16 ~~(D)~~
17 (E) An injury to the genitals when the cause of the injury is
18 undetermined.
19 (F) A broken bone, when the cause of the break is undetermined.
20 (2) If the incident is reported to the law enforcement agency by
21 telephone, a written report of the incident shall also be submitted
22 to the agency, within two working days.
23 (3) The reporting requirements of this subdivision are in addition
24 to, and do not substitute for, the reporting requirements of
25 mandated reporters, and any other reporting and investigative
26 duties of the developmental center and the department as required
27 by law.

1 (4) *Nothing in this subdivision shall be interpreted to prevent*
2 *the developmental center from reporting any other criminal act*
3 *constituting a danger to the health or safety of the residents of the*
4 *developmental center to the local law enforcement agency.*

5 (b) The department shall do both of the following:

6 (1) Annually provide written information to every developmental
7 center employee regarding all of the following:

8 (A) The statutory and departmental requirements for mandatory
9 reporting of suspected or known abuse.

10 (B) The rights and protections afforded to individuals' reporting
11 of suspected or known abuse.

12 (C) The penalties for failure to report suspected or known abuse.

13 (D) The telephone numbers for reporting suspected or known
14 abuse or neglect to designated investigators of the department and
15 to local law enforcement agencies.

16 (2) On or before August 1, 2001, in consultation with employee
17 organizations, advocates, consumers, and family members, develop
18 a poster that encourages staff, residents, and visitors to report
19 suspected or known abuse and provides information on how to
20 make these reports.

21 SEC. 2. This act is an urgency statute necessary for the
22 immediate preservation of the public peace, health, or safety within
23 the meaning of Article IV of the Constitution and shall go into
24 immediate effect. The facts constituting the necessity are:

25 In order to ensure that the applicable investigative structure
26 adequately protects residents of developmental centers and other
27 vulnerable persons from harm at the earliest possible time, it is
28 necessary for this act to take effect immediately.